IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8130 OF 2005

Bhagwan Sonya Ibhad .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Prakash Naik for applicant

Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2005.

P.C.

. After hearing Mr.Naik appearing for applicant for some time and Mr.Saste, A.P.P., in

my view, interest of justice would be served if the application made by applicant before the trial court is restored to its file for disposal on merits and in accordance with law within a period of four weeks from the date of receipt of this order.

2. This order is passed because my attention is invited to the order passed by the Additional Sessions Judge, Palghar on 24th November 2005 on a bail application preferred by present applicant. Application has been rejected only because in the opinion of the Court below, the trial is expedited and the applicant is facing grave charge like murder. This is not a satisfactory way of disposal of bail application, more so, when applicant has pointed out that other accused have been enlarged on bail by this Court. In the light of this and after charge sheet being filed, it was for the sessions court to have applied its mind to the merits of the

application and not merely observe that the case is ripe for hearing. This application is, therefore, allowed to be withdrawn. All contentions herein would be available when the sessions court considers the application which is now restored to its file. All contentions on merits of both sides are kept open.

(S.C.DHARMADHIKARI, J)